UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/263,801	03/06/1999	LAWRENCE A. FISH	SGUS0007	2251

7590   07/31/2002

Nath & Associates
Sixth Floor
1030 Fifteenth Street N.W.
Washington, DC   20005

EXAMINER
LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary	Application No.	Applicant(s)
	09/263,801	FISH ET AL.
	Examiner	Art Unit
	Hunter B. Lonsberry	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>*1-50*</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☒ Claim(s) <u>*31-36, 42, 43 and 48*</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>*06 March 1999*</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1- 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent 6,205,473-B1 to Thomasson.

Regarding claim 1, Thomasson discloses in Figure 1, a system for transmitting

data, with a media server (NOC 114), a one way broadcast system (satellite 112)

connected to the media server and an affiliate computer (server 103), a two way

connection to the media server (Internet 109) and an affiliate computer (server 103), a

plurality of receivers 101 is connected via LAN 102 to server 103, the push pull media

server 114 sends data via the satellite link to server 103 which in turn sends it to

receivers 101 (column 4, lines 9-53), server 103 may download data from NOC 114

(column 4, lines 25-33) or a receiver may request it via server 103 (column 4, lines 25-

33). Thomasson inherently utilizes a confirmation and delivery application as

Thomasson discloses utilizing the TCP/IP protocol for data sent over the Internet and

the satellite link (column 5, line 17-column 6, line 9). TCP requires that an

acknowledgement, called an ACK, be received from the destination machine upon

successfully receiving the data. If the appropriate ACK is not received within a certain

time limit, the packet is retransmitted. Thomasson does not disclose a number of

affiliate computers, but does disclose downloading web pages from the media server (column 4, lines 25-33). The examiner takes official notice that a number of headends located remotely from a media server may be connected to the internet and have a satellite link to provide programming to users, and that the use of the internet to send digital audio and video is well known in the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Thomasson to include a number of affiliate (headend) systems which receive digital audio and video programming via the internet as to reduce the load placed on an individual server and provide more entertainment options for a user.

Regarding claim 2, Thomasson discloses in Figure 1, a system for transmitting data, with a media server (NOC 114), a one way broadcast system (satellite 112) connected to the media server and an affiliate computer (server 103), a two way connection to the media server (Internet 109) and an affiliate computer (server 103), a plurality of receivers 101 is connected via LAN 102 to server 103, the push pull media server 114 sends data via the satellite link to server 103 which in turn sends it to receivers 101 (column 4, lines 9-53), server 103 may download data from NOC 114 (column 4, lines 25-33) or a receiver may request it via server 103 (column 4, lines 25-33). Thomasson does not disclose pulling digital audio or video information from the media server or a number of affiliate computers, but does disclose downloading web pages from the media server (column 4, lines 25-33). The examiner takes official notice that a number of headends located remotely from a media server may be connected to the internet and have a satellite link to provide programming to users, and that the use

of the internet to send digital audio and video is well known in the art. Therefore, it

would have been obvious to one skilled in the art at the time of invention to modify

Thomasson to include a number of affiliate (headend) systems which receive digital

audio and video programming via the internet as to reduce the load placed on an

individual server and provide more entertainment options for a user.

Regarding claim 3, Thomasson discloses in Figure 1, a system for transmitting

data, with a media server (NOC 114), a one way broadcast system (satellite 112)

connected to the media server and an affiliate computer (server 103), a two way

connection to the media server (Internet 109) and an affiliate computer (server 103), a

plurality of receivers 101 is connected via LAN 102 to server 103, the push pull media

server 114 sends data via the satellite link to server 103 which in turn sends it to

receivers 101 (column 4, lines 9-53), server 103 may download data from NOC 114

(column 4, lines 25-33) or a receiver may request it via server 103 (column 4, lines 25-

33). Thomasson does not disclose pulling digital audio or video information from the

media server or a number of affiliate computers, but does disclose downloading web

pages from the media server (column 4, lines 25-33). The examiner takes official notice

that a number of headends located remotely from a media server may be connected to

the internet and have a satellite link to provide programming to users, and that the use

of the internet to send digital audio and video is well known in the art. Therefore, it

would have been obvious to one skilled in the art at the time of invention to modify

Thomasson to include a number of affiliate (headend) systems which receive digital

audio and video programming via the internet as to reduce the load placed on an individual server and provide more entertainment options for a user.

Regarding claim 4, Thomasson discloses in Figure 1, a system for transmitting data, with a media server (NOC 114), a one way broadcast system (satellite 112) connected to the media server and an affiliate computer (server 103), a two way connection to the media server (Internet 109) and an affiliate computer (server 103), a plurality of receivers 101 is connected via LAN 102 to server 103, the push pull media server 114 sends data via the satellite link to server 103 which in turn sends it to receivers 101 (column 4, lines 9-53), server 103 may download data from NOC 114 (column 4, lines 25-33) or a receiver may request it via server 103 (column 4, lines 25-33). Thomasson does not disclose pulling digital audio information from the media server, a number of affiliate computers, or the use of one way broadcast receivers but does disclose downloading web pages from the media server (column 4, lines 25-33). The examiner takes official notice that a number of headends located remotely from a media server may be connected to the internet and have a satellite link to provide programming to users, that one way receivers which do not communicate back to a headend device and that the use of the internet to send digital audio are well known in the art (such as cable channels which carry radio programming), Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Thomasson to include a number of affiliate (headend) systems which receive digital audio programming via the internet and transmit it to a one way receiver as to reduce the load

placed on an individual server, provide low cost receivers to a user and provide more entertainment options for a user.

Regarding claims 5-7, Thomasson discloses in Figure 1 a one-way satellite link (column 4, lines 18-25).

Regarding claims 8-12, Thomasson discloses that the LAN uses Ethernet protocol (column 5, line 17-column 6, line 9) for the transmission of data to and from the receivers. Broadcast receivers 101 inherently include an Ethernet port since Thomasson discloses that information may be transmitted in Ethernet.

Claims 21-30 and 37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over 6205473-B1 to Thomasson in view of U.S. Patent 6,115,040 to Bladow.

Regarding claim 21, Thomasson discloses in Figure 1, a system for transmitting data, with a media server (NOC 114), a one way broadcast system (satellite 112) connected to the media server and an affiliate computer (server 103), a two way connection to the media server (Internet 109) and an affiliate computer (server 103), a plurality of receivers 101 is connected via LAN 102 to server 103, the push pull media server 114 sends data via the satellite link to server 103 which in turn sends it to receivers 101 (column 4, lines 9-53), server 103 may download data from NOC 114 (column 4, lines 25-33) or a receiver may request it via server 103 (column 4, lines 25-33). Thomasson does not disclose pulling digital audio or video information from the media server or a number of affiliate computers or a plurality of production computer servers, but does disclose downloading web pages from the media server (column 4,

lines 25-33). The examiner takes official notice that a number of headends located remotely from a media server may be connected to the internet and have a satellite link to provide programming to users, and that the use of the internet to send digital audio and video is well known in the art. Bladow discloses in Figure 2, a number of web servers 24 which are connected to the Internet. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Thomasson to include a number of affiliate (headend) systems which receive digital audio and video programming via the internet and to connect to a plurality of web servers as to reduce the load placed on an individual server and provide more entertainment options for a user.

Regarding claims 22 and 23, Thomasson discloses in Figure 1 a one-way high bandwidth satellite link (column 4, lines 18-25).

Regarding claims 24-30, Thomasson discloses in Figure 1, a system for transmitting data via the Internet and a satellite link. Thomasson does not disclose a web based monitoring application for determining status information. Bladow discloses in Figure 4, a web based monitoring system that monitors traffic, server status and specific transactions between devices, for servers located remotely (column 8, line46-column 9, line 14, column 10, line 42-column 1, line 26). Therefore, it would have been obvious to one skilled in the art to modify Thomasson to include the monitoring capabilities of Bladow to increase the uptime of the network and allow an administrator to solve problems on the network.

Regarding claims 37-41, Thomasson discloses that the LAN uses Ethernet protocol (column 5, line 17-column 6, line 9) for the transmission of data to and from the receivers. Broadcast receivers 101 inherently include an Ethernet port since Thomasson discloses that information may be transmitted in Ethernet.

Claims 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6205473-B1 to Thomasson in view of U.S. Patent 6,385,647 to Willis.

Regarding claims 13-20, Thomasson discloses that the LAN uses Ethernet protocol (column 5, line 17-column 6, line 9). Broadcast receivers 101 inherently include an Ethernet port since Thomasson discloses that information may be transmitted in Ethernet. Thomasson does not disclose the use of IP multicasting, but does disclose that the network is TCP/IP compatible (column 5, lines 60-65). Willis discloses a network utilizing IGMP protocol for transmitting unidirectional data to a number of receivers (Figures 2-4, column 10, line 40-column 11, line 49). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Thomasson to use IGMP as taught by Willis, to increase the amount of available bandwidth in the network as the same data is broadcast to a number of receivers simultaneously.

Claims 44-47, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6205473-B1 to Thomasson in view of U.S. Patent 6,115,040 to Bladow in further view of U.S. Patent 6,385,647 to Willis.

Regarding claims 44-47, 49 and 50, Thomasson discloses that the LAN uses Ethernet protocol (column 5, line 17-column 6, line 9). Broadcast receivers 101 inherently include an Ethernet port since Thomasson discloses that information may be transmitted in Ethernet. Thomasson and Bladow do not disclose the use of IP multicasting, but do disclose that the network is TCP/IP compatible (Thomasson: column 5, lines 60-65). Willis discloses a network utilizing IGMP protocol for transmitting unidirectional data to a number of receivers (Figures 2-4, column 10, line 40-column 11, line 49). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Thomasson to use IGMP as taught by Willis, to increase the amount of available bandwidth in the network as the same data is broadcast to a number of receivers simultaneously.

Allowable Subject Matter

Claims 31-36, 42, 43 and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
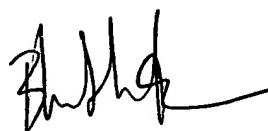
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Thursday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for

the organization where this application or proceeding is assigned are 703-308-5359 for

regular communications and 703-372-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-306-

0377.

HBL
July 26, 2002

Bhavesh Mehta
Primary Examiner